

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 983 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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ASHOK OMKAR GODSA

Versus

STATE OF GUJART

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Appearance:

MS KD PARMAR for Petitioner

MS SIDDHI TALATI for Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 22/12/1999

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The application for furlough leave filed by the  
petitioner came to be rejected under the impugned order.  
Hence, this special criminal application before this

court.

3. In reply to the special criminal application, the respondents have given out that furlough leave was not granted to the petitioner as there was adverse police report. This adverse report has been given by the District Superintendent of Police, Badvani, Madhya Pradesh since the petitioner wanted to remain there on his release on furlough leave.

4. I have seen the police report of Badvani, Madhya Pradesh and in case on such reports the furlough leaves are being declined to prisoners then they will not get the same. From this report, I find that there appears to be some dispute in between the members of the family of the petitioner and the villagers and it may be very easy for the adversaries to get such a report to make it difficult for the petitioner to enjoy his furlough leave. The Superintendent of Police, Badvani, Madhya Pradesh though stated that in case the petitioner is released on furlough leave there is all possibility of his absconding but the respondents have not produced any record on the basis of which the Superintendent of Police, Badvani could have satisfied on this point. In the facts of this case, where the complainants are residing at Surat, on such police reports, I do not consider it to be a case which deserves rejection.

5. In the result, this special criminal application succeeds and the same is allowed and the respondent competent authority is directed to grant furlough leave to the petitioner subject to all conditions on which normally such leaves are being granted. Rule and special criminal application stand disposed of accordingly.

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